

HOUSE No. 736

The Commonwealth of Massachusetts

PRESENTED BY:

David Henry Argosky LeBoeuf

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing the climate resilient capital task force.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/19/2023</i>
<i>Marc R. Pacheco</i>	<i>Third Bristol and Plymouth</i>	<i>6/12/2023</i>

HOUSE No. 736

By Representative LeBoeuf of Worcester, a petition (accompanied by bill, House, No. 736) of David Henry Argosky LeBoeuf for legislation to establish a climate resilient capital task force to recommend options for the uninterrupted continuity of Commonwealth civil government under worst-case climate scenarios. Emergency Preparedness and Management.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act establishing the climate resilient capital task force.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 21N of the General Laws, as appearing in the 2020 Official
2 Edition, is hereby amended by adding the following section:-

3 Section 12. (1) There is hereby established a Climate Resilient Capital Task Force for the
4 purpose of identifying, considering, and recommending options for the uninterrupted continuity
5 of Commonwealth civil government under worst-case climate scenarios either by the defense of
6 the existing state capital and neighborhoods or the relocation and distribution of state offices and
7 neighborhoods to more naturally advantageous sites.

8 (2)(a) All members of the Task Force shall be appointed on or before August 15, 2023,
9 and the Task Force shall hold its first meeting on or before September 15, 2023. The Task Force
10 shall be composed of 17 members as follows:

11 1. One member appointed by the Governor.

- 12 2. One member appointed by the Lieutenant Governor.
- 13 3. One member appointed by the Secretary of the Commonwealth.
- 14 4. One member appointed by the President of the Senate.
- 15 5. One member appointed by the Minority Leader of the Senate.
- 16 6. One member appointed by the Speaker of the House of Representatives.
- 17 7. One member appointed by the Minority Leader of the House of Representatives.
- 18 8. Two members appointed by the Massachusetts Emergency Management Agency.
- 19 9. One member appointed by the Massachusetts AFL-CIO.
- 20 10. One member appointed by Associated Industries of Massachusetts.
- 21 11. One member appointed by the Massachusetts Municipal Association.
- 22 12. One member appointed by the Metropolitan Area Planning Council.
- 23 13. One member appointed by the University of Massachusetts.
- 24 14. One member appointed by the Massachusetts Institute of Technology.
- 25 15. One member appointed by the Teamsters Local Unions 3, 25, 42, 59, 122, 127, 170,
- 26 404 and 653 in agreement.
- 27 16. One member appointed by the Massachusetts Office of Coastal Zone Management.
- 28 (b) Members of the Task Force may participate in meetings by telephone or by other
- 29 electronic means of communication.

30 (c) That the members of the Task Force should devote their full professional capacity to
31 the effort, and that the appointers under Section 2 should be free to choose appointees from
32 among the full diversity of the commonwealth's residents, members of the Task Force shall
33 serve with compensation while performing their duties as described below and furthermore are
34 entitled to reimbursement for per diem and travel expenses in accordance applicable General
35 Laws and regulations.

36 The Task Force may receive and expend such funds to carry out its mission as may be
37 authorized and appropriated or donated from time to time.

38 (d) Members of the Task Force shall, as first order of business, familiarize themselves
39 with the skills and ambitions of their colleagues and, by ranked choice ballots, choose a
40 presiding member to set meeting agendas, a secretary to take minutes and comply with public
41 records requests, and a treasurer to manage funds sent per paragraph (c) of this section, if any.
42 The Secretary of the Commonwealth shall conduct the vote.

43 (e) A majority of the Task Force may at any time call another vote to choose a new
44 presiding member, secretary or treasurer as in paragraph (d) of this section.

45 (f) Upon the death or resignation of any member, the office of their original appointer, or
46 the organization(s) named in Section 2 as appointer, shall re-appoint the successor member.

47 (g) The Task Force may by three-quarters of the members in approval adopt such other
48 internal rule or by-law as they deem fit provided such rule or by-law is in accordance with this
49 Act.

50 (3)(a) In conducting the study, the Task Force shall consider, without limitation:

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1. The maintenance and defense of the current capital in Boston, as follows:

a. For the purpose of creating a microcosm on which decisions about the larger city may be made, the Task Force shall estimate the probability-weighted cost of catastrophic storm damage to the State House, the offices of the agencies, and the offices of the Supreme Judicial Court as currently situated, as well as at least one high-risk coastal or riparian residential neighborhood within 15 miles of the State House as the crow flies (e.g., Nahant, Hull, Back Bay, etc.). This cost shall be calculated assuming the low-likelihood, high impact scenario of 1.75 meters of sea level rise by 2100 as published by the Intergovernmental Panel on Climate Change (IPCC) 2021 Physical Science Basis Summary for Policymakers, or the most recent IPCC report published as of the appointment of this Task Force, as well as the low-likelihood, high impact estimates for storm intensity and other factors over and above that sea level rise. This cost shall include the economic losses and cost to residents of interruption to the Commonwealth’s governing institutions.

b. The Task Force shall define the high-confidence climate resilience defense against this low-likelihood, high impact scenario in the form of upgrades to the region and surroundings of the State House, to the offices of the agencies, and to the offices of the Supreme Judicial Court, and the chosen neighborhood(s), each as presently situated. This resilience plan shall describe the required road, rail, airport, seaport, and communications infrastructure essential to preserve the functions of these offices and the security of these residences. This resilience plan shall include ecotone water levees, seawalls, or other measures of defense against sea level rise in Boston and co-flooding low-lying communities. The resilience plan shall be designed such that, if put into practice, it will in every way possible result in net zero additional emissions.

73 c. The Task Force shall estimate the material and labor cost of the resilience plan; the
74 additional cost of Massachusetts workforce training and apprenticeship needed to effect the
75 resilience plan with local hands; the cost of the purchase without taking of any land or property
76 required; the cost of removing and recultivating any ecology or natural habitat so displaced; and
77 the time needed for the resilience plan to be effected.

78 d. In every estimate of the above, uncertainty shall be a given, such that estimates should
79 be rendered no more precisely than is warranted, at a minimum with ranges around the correct
80 order of magnitude of the cost in dollars or the time in months.

81 2. The relocation and distribution of capital offices throughout the Commonwealth, as
82 follows:

83 a. For the purpose of creating a microcosm on which decisions about the larger city may
84 be made, the Task Force shall define the relocation plan, either for a new capital and new
85 neighborhoods near the geographic center of the Commonwealth or for separate capital districts
86 and neighborhoods distributed throughout the Commonwealth. In the interests of long-term
87 stability, the relocation plan shall not place any new office, neighborhood or district below the
88 estimated inundation elevation, calculated under the assumption of the melting of all ice across
89 the globe, as most recently published by the United States Geological Survey. The relocation
90 plan shall relocate the executive branch offices; the offices of the agencies, the halls, chambers
91 and offices of the General Court; the Supreme Judicial Court, and the chosen neighborhood(s).
92 The relocation plan shall account for the likelihood of rain and river flood, fire, and damaging
93 winds in any prospective site. The relocation plan shall be designed such that, if put into practice,
94 it will in every way possible result in net zero additional emissions.

95 b. The Task Force shall estimate the material and labor cost of the relocation plan; the
96 additional cost of Massachusetts workforce training and apprenticeship needed to effect the
97 relocation with local hands; the cost of the purchase without taking of any land or property
98 required; the cost of removing and recultivating any ecology or natural habitat so displaced; and
99 the time needed for the relocation plan to be effected.

100 c. The Task Force shall estimate the economic impact of relocation on Boston and
101 surrounding communities; the economic impact on the new location or locations and surrounding
102 communities; the impact on housing costs in Boston and on the new location or locations; the
103 required density changes; the impact on democratic participation of residents of the furthest
104 Berkshire, Dukes, Barnstable, and Nantucket counties; the climate justice implications of such a
105 relocation; and any other considerations the Task Force may deem necessary and proper to
106 estimate.

107 d. In every estimate of the above, uncertainty shall be a given, such that estimates should
108 be rendered no more precisely than is warranted, at a minimum with ranges around the correct
109 order of magnitude of the cost in dollars or the time in months.

110 (b) The Task Force may request data, information, and assistance from any state agency,
111 local government, or any political subdivision thereof, which to the extent permitted by law shall
112 provide the Task Force with all relevant information and assistance on any matter within their
113 knowledge or control as promptly as is reasonably practicable. The Task Force may: (i) use such
114 voluntary and uncompensated services of private individuals, agencies and organizations as may
115 from time to time be offered and needed; and (ii) hold regular, public meetings and fact-finding
116 hearings and other public forums as it may consider necessary. The Task Force shall be subject

117 to the provisions of Chapter 30A, Section 11B. The Task Force shall be subject to the
118 requirements of Chapter 66. The secretary of the Task Force shall be responsible for compliance
119 under Chapter 66 Section 10.

120 (4) No later than 18 months after the first meeting of the Task Force, the Task Force shall
121 submit a report of the resilience plan, including findings and recommendations, to each appointer
122 under Section 2, including but not limited to the Governor, the President of the Senate, and the
123 Speaker of the House of Representatives, and also to the Chief Justice of the Supreme Judicial
124 Court, and shall publish electronically the same for public review. No later than 18 months after
125 the report of the resilience plan, the Task Force shall submit a report of the relocation plan,
126 including findings and recommendations, to the same, and shall likewise publish it. The Task
127 Force shall be dissolved upon submission and publication of the relocation plan, except if at the
128 request of the Governor the Task Force shall continue for the purpose of advising on the
129 implementation of its recommendations.

130 (5) If any appointer under section 2 should fail to appoint their member or members of
131 the Task Force, or if any member should fail to participate meaningfully in the work of the Task
132 Force, or if the Task Force should fail to produce either or both plans, or if any state agency,
133 local government or political subdivision thereof should fail to provide the assistance or
134 information required under this Act, then the supreme judicial or superior court may, upon
135 petition of not less than ten taxable inhabitants of the commonwealth, compel the participation of
136 said delinquent or delinquents, levy fines against compensation already paid up to and including
137 the amount of compensation awarded here, or both.